586 897 of a husband never justifies a wife to divorce him.[21] In fact, the inequality was even far greater: although a husband's wilful act of adultery was not sufficient grounds for a divorce, rape suffered by an innocent wife was.[22] Other legal [843] grounds for a divorce were sterility of the wife or the fact that she was "capable" of giving birth only to girls,[23] which is but another form of "sterility."

586 A divorcée has no right to a special alimony. Instead, she has her own personal property and especially her *kebin*.[24]

If a wife abandons her husband for any reason other than the few legal grounds granted her, she not only must return all engagement and wedding gifts received from her husband, but her family must also return the entire *kalym*. In fact, she may not re-marry till the *kalym* is refunded. Sometimes the husband out of mere malice refuses the *kalym*, so that the divorcée must remain unmarried for the rest of her life.[25]

[427] The children remain in the father's household, even if he should soon die after the divorce,[26] the guardianship always remaining in the male line.

According to Lesghian customary divorce laws, which, on the whole, are in harmony with the *šarī'a*,[27] the female mate is again at a disadvantage. An *adat* for North Tabassaran says that "the husband has the right to divorce his wife at any time... But a wife may abandon her husband only if he is impotent, or if he has a contagious disease, or, finally, if he is unable to support her."[28] The disadvantage lies in the restricted legal grounds justifying the women to abandon their husbands and the almost unlimited possibilities of a justified divorce of the men. However, the expression "at any time" in this *adat* is an exaggeration. If a husband divorces his wife unjustifiably, he must pay the sum promised (*kebin*) and forfeits the *kalym*. If the wife abandons her husband for any other reason than the three grounds enumerated, she loses her right to the *kebin* and her family is obliged to refund the *kalym*.[29] Of course, if the husband is willing to pay the *kebin* and lose his right to a refund of the *kalym*, he may divorce her, literally, at any time.

586 695 Another occasion for divorce is the so-called *khatun-talkh*. It is a common form of oath in Daghestan, which only a married man can take. The husband declares himself ready to dismiss his wife if he swear falsely. If he has several wives, he must specify which wife he will dismiss in case of perjury.

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[21] Leontovič, II, p. 173, §§ 150, 152.

[22] Leontovič, II, p. 172, § 143.

[23] Grabovskij, "Ekonomičeskij i domašnij byt, etc.," p. 21.

[24] Leontovič, II, p. 169 f, § 119; p. 176, § 172. The special decision of 1862 in this regard seems to be an imitation of the Islamic *kebin*.

[25] Leontovič, II, p. 175, § 166: "'čtoby razvedennaja žena ne byla 'ni emu, ni drugomu.'" See also Grabovskij, *op. cit.*, pp. 51 f.

[26] Grabovskij, *op. cit.*, p. 53.

[27] Kovalevskij, *Zakon*, II, pp. 199 f.

[28] "Adaty Južno-Dagestanskich Obščestv," SSKG, VIII (1875), pp. 32. Kovalevskij, *Zakon*, II, p. 199.

[29] "Adaty Južno-Dagestanskich Obščestv," *l.c.*

4 n [among the Northeaste: Caucasians--Analyst]